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Economic and environmental questions:
Global Code of Ethics for Tourism

Approval of the Global Code of Ethics for Tourism

Note by the Secretariat

1. At its organizational session for 2001, the Council had before it a note by the Secretariat (E/2001/3) in which the Secretary-General proposed the inclusion under item 13 (Economic and environmental questions) of the provisional agenda for the substantive session of 2001 of an additional sub-item entitled "Global Code of Ethics for Tourism". The Council subsequently approved the provisional agenda for its substantive session of 2001, including the aforementioned sub-item, as contained in document E/2001/1 (Council decision 2001/202).

2. The unanimous adoption of the Global Code of Ethics for Tourism by the General Assembly of the World Tourism Organization (WTO) at its thirteenth session in Santiago, Chile, in October 1999 was the culmination of an extensive consultative process over a two-year period involving the various stakeholders, including the WTO member States, the WTO Business Council, as well as the relevant community of non-governmental organizations and labour organizations.

3. The Code includes nine articles outlining the ethical principles, which should govern tourism development, and sets out guidance and standards to be followed by destinations, Governments, tour operators, developers, travel agents, and travellers themselves. Article 10 provides a mechanism for its implementation as well as for promotion of global cooperation. Its objective is to minimize the negative impact of tourism on the environment and on cultural heritage while maximizing the benefits for residents of tourism destinations. The significance of the Code in expanding the contribution of the tourism sector to economic prosperity and poverty alleviation, as well as in promoting understanding among nations can be appreciated from the fact that international tourism is forecast to triple in volume over the next 20 years.

* E/2001/100.

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4. The following principles are embodied in articles 1 to 9 of the Code, following a preamble: (1) tourism's contribution to mutual understanding and respect between peoples and societies; (2) tourism as a vehicle for individual and collective fulfilment; (3) tourism as a factor of sustainable development; (4) tourism as a user of the cultural heritage of mankind and a contributor to its enhancement; (5) tourism as a beneficial activity for host countries and communities; (6) the obligations of stakeholders in tourism development; (7) the right to tourism; (8) the liberty of tourist movements; and (9) the rights of the workers and entrepreneurs in the tourism industry.

5. It may be recalled that following approval by the Economic and Social Council through its decision 254 (LXIII) of 3 August 1977, the General Assembly adopted resolution 32/156, on 19 December 1977, entitled "Agreement on Cooperation and Relationships between the United Nations and the World Tourism Organization". The Agreement, inter alia, confirmed the role of the Economic and Social Council in coordinating activities related to tourism and, in this connection, stipulated that the World Tourism Organization might make recommendations and proposals relating to international agreements in the field of tourism. The Secretary-General of the World Tourism Organization, in his letter of 13 December 2000 to the Secretary-General of the United Nations (E/2001/3, annex), requested that the Global Code of Ethics for Tourism be included as an item in the provisional agenda of the substantive session of the Economic and Social Council in 2001 and subsequently be considered by the General Assembly with a view to obtaining its universal recognition and dissemination.

6. Against this background, annexed to the present document for the consideration of the Council is the resolution adopted at the thirteenth session of the General Assembly of the World Tourism Organization, which contains the Global Code of Ethics for Tourism.

Annex

Resolution 406 (XIII) of the General Assembly of the World Tourism Organization
Approval of the Global Code of Ethics for Tourism

The General Assembly,

Recalling:

- that it had provided at its Istanbul session in 1997 for the formation of a Special Committee for the preparation of the Global Code of Ethics for Tourism and that this Committee met at Cracow, Poland on 7 October 1998, in conjunction with the Quality Support Committee meeting, in order to consider an outline of the said Code,

- that based on these initial considerations, the draft **Global Code of Ethics for Tourism** was prepared by the Secretary-General, with the assistance of the Legal Adviser to WTO and was studied by the WTO Business Council, the Regional Commissions and finally by the Executive Council at its sixtieth session, all of which were invited to formulate their observations,

- that the WTO Members were invited to communicate in writing the remarks or suggestions that they could not make at those meetings;

Noting:

- that the principle of a Global Code of Ethics for Tourism aroused great interest among the delegations that participated in the seventh session of the Commission on Sustainable Development (CSD) in New York in April 1999,

- that after the CSD session, additional consultations were undertaken by the Secretary-General with institutions representative of the tourism industry and the workers, as well as with various non-governmental organizations interested in this process,

- that, as a result of these discussions and consultations, many written contributions were received by the Secretary-General, which have so far as possible been reflected in the draft submitted to the Assembly for consideration;

Reaffirming that the aim of the Global Code of Ethics for Tourism is to establish a synthesis of the various documents, codes and declarations of the same kind or with comparable aspirations published over the years, to complement them with new considerations reflecting the development of our societies and thus to serve as a frame of reference for the stakeholders in world tourism at the dawn of the next century and millennium,

1. Adopts the Global Code of Ethics for Tourism, which reads as follows:

PREAMBLE

***We**, Members of the World Tourism Organization (WTO), representatives of the world tourism industry, delegates of States, territories, enterprises, institutions and bodies that are gathered for the General Assembly at Santiago, Chile on this first day of October 1999,*

Reasserting the aims set out in Article 3 of the Statutes of the World Tourism Organization, and aware of the "decisive and central" role of this Organization, as recognized by the General Assembly of the United Nations, in promoting and developing tourism with a view to contributing to economic development, international understanding, peace, prosperity and universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Firmly believing that, through the direct, spontaneous and non-mediatized contacts it engenders between men and women of different cultures and lifestyles, tourism represents a vital force for peace and a factor of friendship and understanding among the peoples of the world,

In keeping with the rationale of reconciling environmental protection, economic development and the fight against poverty in a sustainable manner, as formulated by the United Nations in 1992 at the "Earth Summit" of Rio de Janeiro and expressed in Agenda 21, adopted on that occasion,

Taking into account the swift and continued growth, both past and foreseeable, of the tourism activity, whether for leisure, business, culture, religious or health purposes, and its powerful effects, both positive and negative, on the environment, the economy and the society of both generating and receiving countries, on local communities and indigenous peoples, as well as on international relations and trade,

Aiming to promote responsible, sustainable and universally accessible tourism in the framework of the right of all persons to use their free time for leisure pursuits or travel with respect for the choices of society of all peoples,

But convinced that the world tourism industry as a whole has much to gain by operating in an environment that favours the market economy, private enterprise and free trade and that serves to optimize its beneficial effects on the creation of wealth and employment,

Also firmly convinced that, provided a number of principles and a certain number of rules are observed, responsible and sustainable tourism is by no means incompatible with the growing liberalization of the conditions governing trade in services and under whose aegis the enterprises of this sector operate and that it is possible to reconcile in this sector economy and ecology, environment and development, openness to international trade and protection of social and cultural identities,

Considering that, with such an approach, all the stakeholders in tourism development – national, regional and local administrations, enterprises, business associations, workers in the sector, non-governmental organizations and bodies of all kinds belonging to the tourism industry, as well as host communities, the media and the tourists themselves, have different albeit interdependent responsibilities in the individual and societal development of tourism and that the formulation of their individual rights and duties will contribute to meeting this aim,

Committed, in keeping with the aims pursued by the World Tourism Organization itself since adopting resolution 364(XII) at its General Assembly of 1997 (Istanbul), to promote a genuine partnership between the public and private stakeholders in tourism development, and wishing to see a partnership and cooperation of the same kind extend, in an open and balanced way, to the relations between generating and receiving countries and their respective tourism industries,

Following up on the Manila Declarations of 1980 on World Tourism and of 1997 on the Social Impact of Tourism, as well as on the Tourism Bill of Rights and Tourist Code adopted at Sofia in 1985 under the aegis of WTO,

But believing that these instruments should be complemented by a set of interdependent principles for their interpretation and application on which the stakeholders in tourism development should model their conduct at the dawn of the twenty-first century,

Using, for the purposes of this instrument, the definitions and classifications applicable to travel, and especially the concepts of "visitor", "tourist" and "tourism", as adopted by the Ottawa International Conference, held from 24 to 28 June 1991 and approved, in 1993, by the United Nations Statistical Commission at its twenty-seventh session,

Referring in particular to the following instruments:

- *Universal Declaration of Human Rights of 10 December 1948;*
- *International Covenant on Economic, Social and Cultural Rights of 16 December 1966;*
- *International Covenant on Civil and Political Rights of 16 December 1966;*

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- *Warsaw Convention on Air Transport of 12 October 1929;*
- *Chicago Convention on International Civil Aviation of 7 December 1944, and the Tokyo, The Hague and Montreal Conventions in relation thereto;*
- *Convention on Customs Facilities for Tourism of 4 July 1954 and related Protocol;*
- *Convention concerning the Protection of the World Cultural and Natural Heritage of 23 November 1972;*
- *Manila Declaration on World Tourism of 10 October 1980;*
- *Resolution of the Sixth General Assembly of WTO (Sofia) adopting the Tourism Bill of Rights and Tourist Code of 26 September 1985;*
- *Convention on the Rights of the Child of 26 January 1990;*
- *Resolution of the Ninth General Assembly of WTO (Buenos Aires) concerning in particular travel facilitation and the safety and security of tourists of 4 October 1991;*
- *Rio Declaration on the Environment and Development of 13 June 1992;*
- *General Agreement on Trade in Services of 15 April 1994;*
- *Convention on Biodiversity of 6 January 1995;*
- *Resolution of the Eleventh General Assembly of WTO (Cairo) on the prevention of organized sex tourism of 22 October 1995;*
- *Stockholm Declaration of 28 August 1996 against the Commercial Sexual Exploitation of Children;*
- *Manila Declaration on the Social Impact of Tourism of 22 May 1997;*
- *Conventions and recommendations adopted by the International Labour Organisation in the area of collective conventions, prohibition of forced labour and child labour, defence of the rights of indigenous peoples, and equal treatment and non-discrimination in the work place;*

affirm the right to tourism and the freedom of tourist movements,

state our wish to promote an equitable, responsible and sustainable world tourism order, whose benefits will be shared by all sectors of society in the context of an open and liberalized international economy, and

solemnly adopt to these ends the principles of the Global Code of Ethics for Tourism.

PRINCIPLES

Article 1

Tourism's contribution to mutual understanding and respect between peoples and societies

(1) The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, are both the foundation and the consequence of responsible tourism; stakeholders in tourism development and tourists themselves should observe the social and cultural traditions and practices of all peoples, including those of minorities and indigenous peoples and recognize their worth.

(2) Tourism activities should be conducted in harmony with the attributes and traditions of the host regions and countries and in respect for their laws, practices and customs.

(3) The host communities, on the one hand, and local professionals, on the other, should acquaint themselves with and respect the tourists who visit them and find out about their lifestyles, tastes and expectations; the education and training imparted to professionals contribute to a hospitable welcome.

(4) It is the task of the public authorities to provide protection for tourists and visitors and their belongings; they must pay particular attention to the safety of foreign tourists owing to the particular vulnerability they may have; they should facilitate the introduction of specific means of information, prevention, security, insurance and assistance consistent with their needs; any attacks, assaults, kidnappings or threats against tourists or workers in the tourism industry, as well as the wilful destruction of tourism facilities or of elements of cultural or natural heritage should be severely condemned and punished in accordance with their respective national laws.

(5) When travelling, tourists and visitors should not commit any criminal act or any act considered criminal by the laws of the country visited and abstain from any conduct felt to be offensive or injurious by the local populations, or likely to damage the local environment; they should refrain from all trafficking in illicit drugs, arms, antiques, protected species and products and substances that are dangerous or prohibited by national regulations.

(6) Tourists and visitors have the responsibility to acquaint themselves, even before their departure, with the characteristics of the countries they are preparing to visit; they must be aware of the health and security risks inherent in any travel outside their usual environment and behave in such a way as to minimize those risks.

Article 2

Tourism as a vehicle for individual and collective fulfilment

(1) Tourism, the activity most frequently associated with rest and relaxation, sport and access to culture and nature, should be planned and practised as a privileged means of individual and collective fulfilment; when practised with a sufficiently open mind, it is an irreplaceable factor of self-education, mutual tolerance and for learning about the legitimate differences between peoples and cultures and their diversity.

(2) Tourism activities should respect the equality of men and women; they should promote human rights and, more particularly, the individual rights of the most vulnerable groups, notably children, the elderly, the handicapped, ethnic minorities and indigenous peoples.

(3) The exploitation of human beings in any form, particularly sexual, especially when applied to children, conflicts with the fundamental aims of tourism and is the negation of tourism; as such, in accordance with international law, it should be energetically combated with the cooperation of all the States concerned and penalized without concession by the national legislation of both the countries visited and the countries of the perpetrators of these acts, even when they are carried out abroad.

(4) Travel for purposes of religion, health, education and cultural or linguistic exchanges are particularly beneficial forms of tourism, which deserve encouragement.

(5) The introduction into curricula of education about the value of tourist exchanges, their economic, social and cultural benefits, and also their risks, should be encouraged.

Article 3

Tourism, a factor of sustainable development

(1) All the stakeholders in tourism development should safeguard the natural environment with a view to achieving sound, continuous and sustainable economic growth geared to satisfying equitably the needs and aspirations of present and future generations.

(2) All forms of tourism development that are conducive to saving rare and precious resources, in particular water and energy, as well as avoiding so far as possible waste production, should be given priority and encouraged by national, regional and local public authorities.

(3) The staggering in time and space of tourist and visitor flows, particularly those resulting from paid leave and school holidays, and a more even distribution of holidays should be sought so as to reduce the pressure of tourism activity on the environment and enhance its beneficial impact on the tourism industry and the local economy.

(4) Tourism infrastructure should be designed and tourism activities programmed in such a way as to protect the natural heritage composed of ecosystems and biodiversity and to preserve endangered species of wildlife; the stakeholders in tourism development, and especially professionals, should agree to the imposition of limitations or constraints on their activities when these are exercised in particularly sensitive areas: desert, polar or high mountain regions, coastal areas, tropical forests or wetlands, propitious to the creation of nature reserves or protected areas.

(5) Nature tourism and ecotourism are recognized as being particularly conducive to enriching and enhancing the standing of tourism, provided they respect the natural heritage and local populations and are in keeping with the carrying capacity of the sites.

Article 4

Tourism, a user of the cultural heritage of mankind and a contributor to its enhancement

(1) Tourism resources belong to the common heritage of mankind; the communities in whose territories they are situated have particular rights and obligations to them.

(2) Tourism policies and activities should be conducted with respect for the artistic, archaeological and cultural heritage, which they should protect and pass on to future generations; particular care should be devoted to preserving and upgrading monuments, shrines and museums as well as archaeological and historic sites which must be widely open to tourist visits; encouragement should be given to public access to privately-owned cultural property and monuments, with respect for the rights of their owners, as well as to religious buildings, without prejudice to normal needs of worship.

(3) Financial resources derived from visits to cultural sites and monuments should, at least in part, be used for the upkeep, safeguard, development and embellishment of this heritage;

(4) Tourism activity should be planned in such a way as to allow traditional cultural products, crafts and folklore to survive and flourish, rather than causing them to degenerate and become standardized.

Article 5

Tourism, a beneficial activity for host countries and communities

(1) Local populations should be associated with tourism activities and share equitably in the economic, social and cultural benefits they generate, and particularly in the direct and indirect creation of jobs resulting from them.

(2) Tourism policies should be applied in such a way as to help to raise the standard of living of the populations of the regions visited and meet their needs; the planning and architectural approach to and operation of tourism resorts and accommodation should aim to integrate them, to the extent possible, in the local economic and social fabric; where skills are equal, priority should be given to local manpower.

(3) Special attention should be paid to the specific problems of coastal areas and island territories and to vulnerable rural or mountain regions, for which tourism often represents a rare opportunity for development in the face of the decline of traditional economic activities.

(4) Tourism professionals, particularly investors, governed by the regulations laid down by the public authorities, should carry out studies of the impact of their development projects on the environment and natural surroundings; they should also deliver, with the greatest transparency and objectivity, information on their future programmes and their foreseeable repercussions and foster dialogue on their contents with the populations concerned.

Article 6

Obligations of stakeholders in tourism development

(1) Tourism professionals have an obligation to provide tourists with objective and honest information on their places of destination and on the conditions of travel, hospitality and stays; they should ensure that the contractual clauses proposed to their customers are readily understandable as to the nature, price and quality of the services they commit themselves to providing and the financial compensation payable by them in the event of a unilateral breach of contract on their part.

(2) Tourism professionals, insofar as it depends on them, should show concern, in cooperation with the public authorities, for the security and safety, accident prevention, health protection and food safety of those who seek their services; likewise, they should ensure the existence of suitable systems of insurance and assistance; they should accept the reporting obligations prescribed by national regulations and pay fair compensation in the event of failure to observe their contractual obligations.

(3) Tourism professionals, so far as this depends on them, should contribute to the cultural and spiritual fulfilment of tourists and allow them, during their travels, to practise their religions.

(4) The public authorities of the generating States and the host countries, in cooperation with the professionals concerned and their associations, should ensure that the necessary mechanisms are in place for the repatriation of tourists in the event of the bankruptcy of the enterprise that organized their travel.

(5) Governments have the right – and the duty - especially in a crisis, to inform their nationals of the difficult circumstances, or even the dangers they may encounter during their travels abroad; it is their responsibility however to issue such information without prejudicing in an unjustified or exaggerated manner the tourism industry of the host countries and the interests of their own operators; the contents of travel advisories should therefore be discussed beforehand with the authorities of the host countries and the professionals concerned; recommendations formulated should be strictly proportionate to the gravity of the situations encountered and confined to the geographical areas where the insecurity has arisen; such advisories should be qualified or cancelled as soon as a return to normality permits.

(6) The press, and particularly the specialized travel press and the other media, including modern means of electronic communication, should issue honest and balanced information on events and situations that could influence the flow of tourists; they should also provide accurate and reliable information to the consumers of tourism services; the new communication and electronic commerce technologies should also be developed and used for this purpose; as is the case for the media, they should not in any way promote sex tourism.

Article 7

Right to tourism

(1) The prospect of direct and personal access to the discovery and enjoyment of the planet's resources constitutes a right equally open to all the world's inhabitants; the increasingly extensive participation in national and international tourism should be regarded as one of the best possible expressions of the sustained growth of free time, and obstacles should not be placed in its way.

(2) The universal right to tourism must be regarded as the corollary of the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay, guaranteed by Article 24 of the Universal Declaration of Human Rights and Article 7.d of the International Covenant on Economic, Social and Cultural Rights.

(3) Social tourism, and in particular associative tourism, which facilitates widespread access to leisure, travel and holidays, should be developed with the support of the public authorities.

(4) Family, youth, student and senior tourism and tourism for people with disabilities, should be encouraged and facilitated.

Article 8

Liberty of tourist movements

(1) Tourists and visitors should benefit, in compliance with international law and national legislation, from the liberty to move within their countries and from one State to another, in accordance with Article 13 of the Universal Declaration of Human Rights; they should have access to places of transit and stay and to tourism and cultural sites without being subject to excessive formalities or discrimination.

(2) Tourists and visitors should have access to all available forms of communication, internal or external; they should benefit from prompt and easy access to local administrative, legal and health services; they should be free to contact the consular representatives of their countries of origin in compliance with the diplomatic conventions in force.

(3) Tourists and visitors should benefit from the same rights as the citizens of the country visited concerning the confidentiality of the personal data and information concerning them, especially when these are stored electronically.

(4) Administrative procedures relating to border crossings whether they fall within the competence of States or result from international agreements, such as visas or health and customs formalities, should be adapted, so far as possible, so as to facilitate to the maximum freedom of travel and widespread access to international tourism; agreements between groups of countries to harmonize and simplify these procedures should be encouraged; specific taxes and levies penalizing the tourism industry and undermining its competitiveness should be gradually phased out or corrected.

(5) So far as the economic situation of the countries from which they come permits, travellers should have access to allowances of convertible currencies needed for their travels.

Article 9

Rights of the workers and entrepreneurs in the tourism industry

(1) The fundamental rights of salaried and self-employed workers in the tourism industry and related activities, should be guaranteed under the supervision of the national and local administrations, both of their States of origin and of the host countries with particular care, given the specific constraints linked in particular to the seasonality of their activity, the global dimension of their industry and the flexibility often required of them by the nature of their work.

(2) Salaried and self-employed workers in the tourism industry and related activities have the right and the duty to acquire appropriate initial and continuous training; they should be given adequate social protection; job insecurity should be limited so far as possible; and a specific status, with particular regard to their social welfare, should be offered to seasonal workers in the sector.

(3) Any natural or legal person, provided he, she or it has the necessary abilities and skills, should be entitled to develop a professional activity in the field of tourism under existing national laws; entrepreneurs and investors - especially in the area of small and medium-sized enterprises - should be entitled to free access to the tourism sector with a minimum of legal or administrative restrictions.

(4) Exchanges of experience offered to executives and workers, whether salaried or not, from different countries, contributes to fostering the development of the world tourism industry; these movements should be facilitated so far as possible in compliance with the applicable national laws and international conventions.

(5) As an irreplaceable factor of solidarity in the development and dynamic growth of international exchanges, multinational enterprises of the tourism industry should not exploit the dominant positions they sometimes occupy; they should avoid becoming the vehicles of cultural and social models artificially imposed on the host communities; in exchange for their freedom to invest and trade which should be fully recognized, they should involve themselves in local development, avoiding, by the excessive repatriation of their profits or their induced imports, a reduction of their contribution to the economies in which they are established.

(6) Partnership and the establishment of balanced relations between enterprises of generating and receiving countries contribute to the sustainable development of tourism and an equitable distribution of the benefits of its growth.

Article 10

Implementation of the principles of the Global Code of Ethics for Tourism

(1) The public and private stakeholders in tourism development should cooperate in the implementation of these principles and monitor their effective application.

(2) The stakeholders in tourism development should recognize the role of international institutions, among which the World Tourism Organization ranks first, and non-governmental organizations with competence in the field of tourism promotion and development, the protection of human rights, the environment or health, with due respect for the general principles of international law.

(3) The same stakeholders should demonstrate their intention to refer any disputes concerning the application or interpretation of the Global Code of Ethics for Tourism for conciliation to an impartial third body known as the World Committee on Tourism Ethics.

* * *

2. Calls upon the stakeholders in tourism development – national, regional and local tourism administrations, tourism enterprises, business associations, workers in the sector and tourism bodies – the host communities and the tourists themselves to model their conduct on the principles embodied in this Global Code of Ethics for Tourism and to implement them in good faith in accordance with the provisions set out below;

* * *

3. Decides that the procedures for implementing the principles embodied in the Code will, where necessary, be subject to guidelines for application, prepared by the World Committee on Tourism Ethics, submitted to the Executive Council of WTO, adopted by the General Assembly and periodically reviewed and adjusted in the same conditions;

* * *

4. Recommends:

(a) States Members or non-members of WTO, without being obliged to do so, to accept expressly the principles embodied in the Global Code of Ethics for Tourism and to use them as a basis when establishing their national laws and regulations and to inform accordingly the World Committee on Tourism Ethics, whose creation is provided for in Article 10 of the Code and organized in paragraph 6 below;

(b) tourism enterprises and bodies, whether WTO Affiliate Members or not, and their associations to include the relevant provisions of the Code in their contractual instruments or to make specific reference to them in their own codes of conduct or professional rules and to report on them to the World Committee on Tourism Ethics;

* * *

5. Invites the Members of WTO to actively implement the recommendations it has previously expressed during previous sessions in the fields covered by this Code, so far as the sustainable development of tourism, the prevention of organized sex tourism, as well as travel facilitation and the safety and security of tourists are concerned;

* * *

6. Subscribes to the principle of a Protocol for implementing the Global Code of Ethics for Tourism as annexed to this resolution and adopts the guiding principles on which it is based:

- creation of a flexible follow-up and evaluation mechanism with a view to ensuring the constant adjustment of the Code to the developments of world tourism and, more broadly, to the changing conditions of international relations;

- the making available to States and other stakeholders in tourism development of a conciliation mechanism to which they may have recourse by consensus or on a voluntary basis;

7. Invites the Full Members of the Organization and all the stakeholders in tourism development to submit their additional remarks and proposed amendments to the draft Protocol of Implementation annexed to this resolution within a period of six months, so as to allow the Executive Council to study, in due time, the amendments to be made to this text and requests the Secretary-General to report back to it on this point at its fourteenth session;

8. Decides to start the process of appointing the Members of the World Committee on Tourism Ethics, so that its composition may be completed at the fourteenth session of the General Assembly;

* * *

9. Urges the States Members of WTO to publish and make known as widely as possible the Global Code of Ethics for Tourism, in particular by disseminating it among all the stakeholders in tourism development and inviting them to give it broad publicity;

* * *

10. Entrusts the Secretary-General with approaching the Secretariat of the United Nations in order to study how it might be associated with this Code, or even in what form it could endorse it, in particular as part of the process of implementing the recommendations of the recent session of the Commission on Sustainable Development.

ANNEX

DRAFT PROTOCOL OF IMPLEMENTATION

I. Body responsible for interpreting, applying and evaluating the provisions of the Global Code of Ethics for Tourism

(a) A World Committee on Tourism Ethics shall be created comprising twelve eminent persons independent of governments and twelve alternates, selected on the basis of their competence in the field of tourism and related fields; they shall not receive any orders or instructions from those who proposed their nomination or who designated them and shall not report to them.

(b) The members of the World Committee on Tourism Ethics shall be appointed as follows:

- *six members and six alternate members designated by the WTO Regional Commissions, on the proposal of the States Members of WTO;*
- *a member and an alternate designated by the autonomous territories that are Associate Members of WTO from among their members;*
- *four members and four alternate members elected by the WTO General Assembly from among the Affiliate Members of WTO representing professionals or employees of the tourism industry, universities and non-governmental organizations, after conferring with the Committee of Affiliate Members;*
- *a chairman, who may be an eminent person not belonging to WTO, elected by the other members of the Committee, on the proposal of the Secretary-General of WTO.*

The Legal Adviser of the World Tourism Organization shall participate, when necessary, and in an advisory capacity, in the Committee meetings; the Secretary-General shall attend ex officio or may arrange to be represented at its meetings.

On appointing the members of the Committee, account shall be taken of the need for a balanced geographical composition of this body and for a diversification of the qualifications and personal status of its members, from both the economic and social as well as the legal viewpoint; the members shall be appointed for four years and their term of office may be renewed only once; in the event of a vacancy, the member shall be replaced by his alternate, it being understood that if the vacancy concerns both the member and his alternate, the Committee itself shall fill the vacant seat; if the Chairman's seat is vacant he or she shall be replaced in the conditions set out above.

(c) The WTO Regional Commissions shall act, in the cases provided for in paragraphs I(d), (g) and (h), as well as II(a), (b), (f) and (g) below of this Protocol, as regional committees on tourism ethics.

(d) The World Committee on Tourism Ethics shall establish its own Rules of Procedure, which shall apply equally, mutatis mutandis, to the Regional Commissions when these are acting as regional committees on tourism ethics; the presence of two-thirds of the Committee members shall be necessary to constitute a quorum at its meetings; in the event that a member is absent, he may be replaced by his alternate; in the event of a tie in the voting, the chairman shall have the casting vote.

(e) When proposing the candidature of an eminent person to serve on the Committee, each Member of WTO shall undertake to cover the travel expenses and daily subsistence allowances occasioned by the participation in the meetings of the person whose nomination it has proposed, it being understood that the members of the Committee shall not receive any remuneration; the expenses incurred by the participation of the Chairman of the Committee, also unremunerated, may be borne by the WTO budget; the secretariat of the Committee shall be provided by the services of WTO; the operating costs remaining payable by the Organization may, wholly or in part, be charged to a trust fund financed by voluntary contributions.

(f) The World Committee on Tourism Ethics shall meet in principle once a year; whenever a dispute is referred to it for settlement, the chairman shall consult the other members and the Secretary-General of WTO about the expediency of convening an extraordinary meeting.

(g) The functions of the World Committee on Tourism Ethics and the WTO Regional Commissions shall be the evaluation of the implementation of this Code and conciliation; it may invite experts or external institutions to contribute to its proceedings.

(h) On the basis of periodic reports submitted to them by Full Members, Associate Members and Affiliate Members of WTO, the WTO Regional Commissions shall, every two years, as regional committees on tourism ethics, examine the application of the Code in their respective regions; they shall record their findings in a report to the World Committee on Tourism Ethics; the reports of the Regional Commissions may contain suggestions to amend or supplement the Global Code of Ethics for Tourism.

(i) The World Committee on Tourism Ethics shall exercise a global function as a "watchdog" for the problems encountered in implementing the Code and for the proposed solutions; it shall summarize the reports drawn up by the Regional Commissions and supplement them with the information it has collected with the assistance of the Secretary-General and the support of the Committee of Affiliate Members, which shall include, should the need arise, proposals to amend or supplement the Global Code of Ethics for Tourism.

(j) The Secretary-General shall refer the report of the World Committee on Tourism Ethics to the Executive Council, together with his own observations, for consideration and transmission to the General Assembly with the Council's recommendations; the General Assembly shall decide what follow-up action to take on the report and the recommendations thus submitted to it, which the national tourism administrations and other stakeholders in tourism development shall subsequently have the task of implementing.

* * *

II. Conciliation mechanism for the settlement of disputes

(a) In the event of a dispute concerning the interpretation or application of the Global Code of Ethics for Tourism, two or more stakeholders in tourism development may jointly refer it to the World Committee on Tourism Ethics; if the dispute is between two or more stakeholders belonging to the same region, the Parties should refer the matter to the competent WTO Regional Commission in its capacity as a regional committee on tourism ethics.

(b) The States, as well as tourism enterprises and bodies, may declare that they accept in advance the competence of the World Committee on Tourism Ethics or of a WTO Regional Commission for any dispute concerning the interpretation or application of this Code, or for certain categories of dispute; in this case, the Committee or the competent Regional Commission shall be considered as validly referred to unilaterally by the other Party to the dispute.

(c) When a dispute is submitted in the first instance to the World Committee on Tourism Ethics for consideration, its chairman shall appoint a sub-committee of three members who shall be responsible for examining the dispute.

(d) The World Committee on Tourism Ethics to which a dispute has been referred shall reach a decision on the basis of the record drawn up by the Parties to the dispute; the Committee may ask these Parties for additional information and, if deemed useful, may hear them at their request; the expenses incurred by this hearing shall be borne by the Parties unless the circumstances are considered exceptional by the Committee; the failure of one of the Parties to appear even though he or she has been given a reasonable opportunity to participate, shall not prevent the Committee from making a ruling.

(e) Unless otherwise agreed by the Parties, the World Committee on Tourism Ethics shall announce its decision within three months of the date on which it was referred to; it shall present recommendations to the Parties suitable to form the basis of a settlement; the Parties shall immediately inform the chairman of the Committee that has examined the dispute of the action they have taken on these recommendations.

(f) If a dispute is referred to a WTO Regional Commission, it shall announce its decision following the same procedure, mutatis mutandis, as that applied by the World Committee on Tourism Ethics when it intervenes in the first instance.

(g) If within a period of two months after notification of the proposals of the Committee or of a Regional Commission the Parties have failed to agree on the terms of a final settlement, the Parties or one of them may refer the dispute to a plenary session of the World Committee on Tourism Ethics; when the Committee has made a ruling in the first instance, the members that served on the sub-committee that examined the dispute may not take part in this plenary session and shall be replaced by their alternates; if these intervened in the first instance, the members shall not be prevented from participating.

(h) The plenary session of the World Committee on Tourism Ethics shall make its ruling following the procedure laid out in paragraphs II(d) and (e) above; if no solution has been found at a previous stage, it shall formulate final conclusions for the settlement of the dispute, which the Parties, if they agree with their contents, will be recommended to apply at the earliest possible opportunity; these conclusions shall be made public, even if the process of conciliation has not been successfully completed and one of the Parties refuses to accept the final conclusions proposed.

(i) Full Members, Associate Members and Affiliate Members of WTO, as well as States that are not members of WTO, may declare that they accept in advance as binding and, where applicable, subject to the sole reservation of reciprocity, the final conclusions of the World Committee on Tourism Ethics in the disputes, or in a private dispute to which they are party.

(j) Likewise, the States may accept as binding or subject to exequatur the final conclusions of the World Committee on Tourism Ethics in disputes to which their nationals are party or which should be applied in their territory.

(k) Tourism enterprises and bodies may include in their contractual documents a provision making the final conclusions of the World Committee on Tourism Ethics binding in their relations with their contracting parties.

César Gómez Viveros
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